

## **REMARKS**

### **Introduction**

Claims 1 - 27 were originally pending in the PCT application to which this application claims priority. On September 7, 2000, in a paper submitted to the International Preliminary Examining Authority at the European Patent Office, new claims 1-12 were presented. Also, claim 3 was amended and claim 13 was added by way of a Preliminary Amendment filed April 3, 2001. Accordingly, claims 1 - 13 are presently pending in this application.

### **Claim Objections**

Claims 9-12 were objected to under 37 CFR 1.75 (c) as being in improper form because claim 8 was a multiple dependent claim, and claim 9 was a multiple dependent claim that included dependency on claim 8. Accordingly, claims 8 and 9 were amended such that both claims are no longer in multiple dependent form. Specifically, claim 8 was amended to be dependent only on claim 1, and claim 9 was amended into independent format. Also, claim 11 was amended to be dependent upon claim 9 and to incorporate the limitations of claim 6 as originally filed. Claim 10 was amended to more clearly describe the invention. Thus, applicant requests consideration of claims 9-12.

### **Claim Rejections**

#### **35 U.S.C. §102**

Claims 1, 3-4, 6-8, and 13 were rejected under 35 U.S.C. §102(b) as being anticipated by the De Paloi et al. '438 patent. Each of these claims was also independently rejected under §102(b) as

being anticipated by the Merkel et al. '899 patent. In addition, claims 1-5, 8, and 13 were rejected under 35 U.S.C. §102(b) as being anticipated by the Quinlan et al. '002 patent. Also, claims 1-8, and 13 were rejected under 35 U.S.C. §102(b) as being anticipated by the Mower '826 patent. A claim is said to be anticipated where each and every limitation of the claim can be found in a single prior art reference. Claim 1 has been amended to more particularly describe the invention. Applicant respectfully submits that the invention described in claim 1, as amended, is neither disclosed nor suggested by the De Paloi et al., Merkel et al., Quinlan et al., or Mower patents. Claims 2-8, and 13 are each ultimately dependent upon claim 1 and include perfecting limitations. Accordingly, the Examiner's rejections based on 35 U.S.C. §102(b) are respectfully traversed for the reasons set out below.

**De Paloi et al. and Merkel et al. Patents Each Fail to Disclose "Spacing Formation" as Required by Claim 1**

As noted above, claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by the De Paloi et al. and the Merkel et al. patents. In support of the rejection, the Examiner suggested that both patents individually teach a wiper coupling having a spacing formation for spacing the upper surface of the beam a predetermined distance from the support structure. The Examiner indicates that the predetermined distance between the beam and the support structure is "no space." Based on this assertion, the Examiner suggests that the couplings disclosed in the De Paloi et al. and Merkel et al. patents each individually anticipates claim 1.

Applicant must respectfully disagree with the Examiner's assertion. Neither the De Paloi et al. patent nor Merkel et al. patent discloses or suggests a spacing formation required by claim 1. The

support structure 30 disclosed in both the De Paloi et al. and Merkel et al. patents cannot be deemed a spacing formation because it creates no space between the upper surface of the beam 12 and the support structure 30. By suggesting that support structure 30 *is* a spacing formation that supplies “no space” between the beam 12 and the support structure 30, the Examiner effectively negates the spacing element as an element of claim 1 of the patent application. Without a spacing formation, the coupler disclosed in each of the De Paloi et al. and Merkel et al. patents does not allow the beam to advantageously bend as it moves across a curved windscreen.

In contrast, the coupler disclosed in claim 1 of the patent application overcomes this disadvantage by including a spacing formation, which allows the beam to advantageously bend as it moves across a curved windscreen. Because the De Paloi et al. patent and the Merkel et al. patent each fails to disclose or suggest a spacing formation and because both of these patents are completely silent as to the purpose and function of such a spacing formation, the applicant respectfully submits that neither of these patents individually anticipates or renders obvious the invention described in claim 1 of the patent application.

**Claim 1, As Amended, Is Not Anticipated By the Quinlan et al. Patent**

As noted above, claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by the Quinlan et al. patent. However, claim 1 has been amended to more particularly describe the invention. Specifically, according to the amended claim 1, the spacing formations engage the beam at a “contact point” to thereby space the “contact point of the beam a predetermined distance from the support structure.” Support for the amendment is found throughout the application, for instance in FIG. 4, where the contact point is shown on the beam 18 under the bottom edge 28 of the coupler

16. Therefore, no new matter has been added. By spacing the contact point of the beam from the support structure, the coupler of claim 1 allows the beam to advantageously flex as it moves across a curved windscreen.

In contrast, the coupler disclosed in the Quinlan et al. patent fails to disclose or suggest all of the elements of claim 1. The Examiner characterized the rivets 28 of the Quinlan et al. patent as “spacing formations.” However, the rivets 28 do not engage the beam at a **contact point** to thereby space the **contact point** a predetermined distance from the support structure. Specifically, as disclosed in column 2, lines 60-62 of the Quinlan et al. patent, the “rivets 28 are secured in apertures 29 in the mounting strip 24.” Also, according to column 3, lines 5-7 of the Quinlan et al. patent, the support strip 32 “includes apertures 33 which loosely or rockably receive the shoulders 34 of the . . . rivets 28.” Thus, the areas around the apertures 29 are able to move toward and **fully eliminate spacing** between the support strip 32 and the mounting strip 24 due to the loose connection between the rivets 28 and the apertures 33. As such, the rivets 28 do not space the contact point a predetermined distance from the support structure as is required by claim 1 of the patent application.

Therefore, applicant respectfully submits that the invention described in independent claim 1, as amended, is neither disclosed nor suggested by the Quinlan et al. patent. Accordingly, this rejection is respectfully traversed.

#### **Mower Patent Neither Teaches Nor Suggests Invention of Claim 1**

As mentioned above, claims 1-8, and 13 were rejected under 35 U.S.C. §102(b) as being anticipated by the Mower patent. In support of this rejection, the Examiner suggests that the Mower

patent teaches a wiper coupling comprising a support structure 27 having spacing formations that space the beam 25 a predetermined distance from the support structure 27.

Applicant must respectfully disagree. The Mower patent discloses a traditional mounting method for a *tournament style* windscreen wiper assembly. In contrast, the coupler disclosed in claim 1 of the patent application is used to couple *beam blades* to a wiper arm. The importance of the distinguishing feature of the beam blade type windscreen wiper assembly as opposed to the tournament style wiper assembly cannot be overemphasized in this case. “An anticipating reference must describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of the invention.” ATD Corp. v. Lydall, Inc., 159 F.3d 534, 545 (Fed. Cir. 1998). Here, the Examiner suggests that the mounting means (i.e., the claws 21) constitute both the mounting means and the spacing formation. However, because the Mower patent discloses a traditional mounting method for a tournament style windscreen wiper assembly, applicant respectfully submits that a person of ordinary skill in the field would not recognize the traditional claws 21 as being a spacing formation for spacing the beam a predetermined distance. Thus, applicant respectfully submits that the Mower patent fails to disclose a spacing formation as required by claim 1, and as such, the Mower patent does not anticipate or render obvious the invention described in claim 1 of the patent application.

### **Dependent Claims 2-8 and 13 Not Anticipated by Prior Art**

Claims 2-8 and 13 are all ultimately dependent upon independent claim 1 and add further limitations thereto. Accordingly, applicant respectfully submits that none of the cited prior art patents anticipates or renders obvious the invention described in claims 2-8 and 13 of the patent application.

### **35 U.S.C. § 103**

Claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Quinlan et al. patent in view of the Merkel et al. patent. Claims 6 and 7 are each ultimately dependent upon independent claim 1 and each adds further perfecting limitations. In this case, applicant respectfully submits that dependent claims 6 and 7 describe an invention that includes limitations that are neither disclosed nor suggested by the cited references standing alone or by a combination of the cited references. Accordingly, applicant respectfully traverses this rejection based on 35 U.S.C. § 103(a) and requests that it be withdrawn for the reasons set forth above with respect to claim 1.

### **Conclusion**

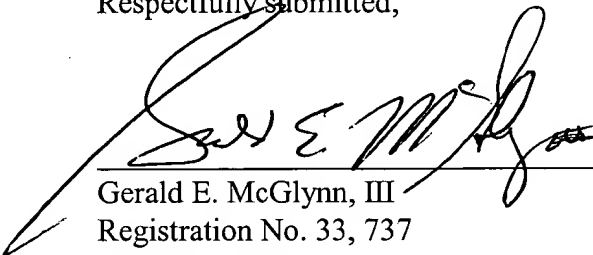
Independent claim 1, as amended, recites structure that is not disclosed or suggested by the prior art and is patentably distinguishable from the subject matter of the references discussed above. Claims 2-8 and 13 are all ultimately dependent upon independent claim 1 and add further perfecting limitations. Applicant respectfully submits that the prior art references, alone or in combination, do not disclose or suggest the present invention. However, and even if they did, they could only be

applied through hindsight after restructuring the disclosures of the prior art in view of the applicant's invention. Accordingly, applicant respectfully solicits the allowance of the claims pending in this case.

Moreover, applicant has amended claim 9 to overcome the objection of claims 9-12. Thus, applicant respectfully requests consideration of claims 9-12.

Finally, if the examiner has any questions or would like to discuss any of the matters set forth above, the Examiner is encouraged to contact undersigned counsel at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald E. McGlynn, III", is written over a horizontal line.

Gerald E. McGlynn, III  
Registration No. 33, 737  
BLISS McGLYNN, P.C.  
2075 W. Big Beaver, Suite 600  
Troy, MI 48084  
(248) 649-6090

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